

CALIFORNIA HORSE RACING BOARD
1010 HURLEY WAY, SUITE 300
SACRAMENTO, CA 95825
(916) 263-6000
FAX (916) 263-6042



NOTICE OF MEDICATION COMMITTEE MEETING

Notice is hereby given that a meeting of the **California Horse Racing Board's Medication Committee** will be held on, **Wednesday, February 16, 2005**, commencing at **9:30 a.m.**, at the **Embassy Suites**, 211 E. Huntington Drive, **Arcadia**, California. CHRB Commissioners who are not committee members may participate in the public discussion, but shall not participate in any official committee vote.

A G E N D A

1. Discussion on the **implanting of microchips** for the identification of horses.
2. Discussion and action on **the retention of frozen samples** for future analysis.
3. Discussion and action **penalty guidelines for Class I, II and III medication violations**.
4. Discussion and review of the **associations' efforts and procedures for identifying horses who may have received shockwave therapy**, when entering and leaving the restricted area.
5. Report on CHRB **inspections of vehicles in the restricted area**.
6. Report from the Equine Medical Director on **laboratory specifications for Truesdail and UC Davis drug testing contracts**.
7. Discussion and action on an **amendment to CHRB Rule 1844(e)(9) – to include a plasma rule for Clenbuterol**.
8. Discussion and action on the **time of notification of laboratory findings (CHRB Rule 1887(b))**.
9. Discussion and action on the **formation of a Medication Committee Advisory Group**.

Additional information regarding this meeting may be obtained from Roy Minami, at the CHRB Administrative Office, 1010 Hurley Way, Suite 300, Sacramento, CA 95825; telephone (916) 263-6000; fax (916) 263-6042. A copy of this notice can be located on the CHRB website at www.chrb.ca.gov. *Information for requesting disability related accommodation for persons with a disability who requires aids or services in order to participate in this public meeting, should contact Roy Minami.

MEDICATION COMMITTEE

Chairman John Harris, Chairman
Vice Chairman William Bianco, Member
Commissioner Richard Shapiro, Member

Date of Notice: February 4, 2005

CALIFORNIA HORSE RACING BOARD

FEBRUARY 16, 2005 MEDICATION MEETING

There is no board package material for items 1 and 2.

Information to be presented at the board meeting.

STAFF ANALYSIS

Medication Committee Meeting
February 16, 2005

BACKGROUND

January 1, 2002, Business and Professions Code Section 19517.5 was added to the Horse Racing Law. It provides that enforcement proceedings, alleging the use of prohibited substances defined as Class I, II or III of the Board's schedule of prohibited substances, are referred to the Office of Administrative Hearings for administrative adjudication and preparation of a proposed decision for action by the Board, unless both the licensee and the Board waive that referral. Before 19517.5 went into effect, medication violations involving all classes of drugs were referred to the Board of Stewards for adjudication.

Subsequent to the enactment of Section 19517.5, sanctions imposed in California have become more lenient. Licensees are not held accountable for the circumstances involved that led to the positive finding nor what steps they will take to ensure it does not happen again. For your reference a medication penalty chart reflecting penalties imposed by the ARCI and six other racing jurisdictions for Class 1-6 and CHRB penalties imposed during 2002, 2003 and 2004 for Class I, II and III were included.

In 1994 and 1995 proposals for the addition of a rule that addressed disciplinary actions for all classes of medication violations was heard by the Medication Committee and the Board. The Board submitted a rulemaking file to the Office of Administrative Law (OAL) June 29, 1995, that would add Rule 1843.3, Disciplinary Actions for Medication Violations. The rulemaking file was disapproved August 4, 1995, for clarity and consistency standards.

ANALYSIS

Section 19582 (a) (1) provides medication violations are punishable as set forth in regulations adopted by the Board. The Board attempted to adopt a regulation that addressed medication violation penalties in 1995 and met with opposition. Subsequent to that the Board has relied upon policy and precedent when determining Class I, II and III medication violations that have resulted in sanctions that are often inconsistent with RCI recommendations.

If the Board is inclined to issue more stringent penalties, the Medication Committee, along with the proposed Medication Committee Advisory Group, may want to revisit Section 19517.5 or recommend more stringent guidelines for medication penalties in Class I, II and III.

RECOMMENDATION

This item is presented for discussion.

MEDICATION PENALTIES

STATE	CLASS - 1	CLASS - 2	CLASS - 3	CLASS - 4	CLASS - 5	CLASS - 6
ARCI Penalty recommendations if no mitigating circumstances Revision of classes 4/15/04	1-5 year suspension and \$5,000 fine and loss of purse	6 months – 1 year suspension and \$1,500-2,500 fine and loss of purse	60 days – 6 months suspension and up to \$1,500 fine and loss of purse	15-60 days suspension and up to \$1,000 fine and loss of purse	0-15 days suspension with possible loss of purse and/or fine	None stated
Florida Use ARCI classes as of 1/7/00 even though ARCI has revised several times. Rule 61D-2.021, Aggravating & Mitigating Circumstances, is considered when imposing penalties.	1st violation \$500-1,000 fine, suspension or revocation of license any subsequent violation \$1,000-5,000 fine, suspension or revocation of license	1st violation \$100-1,000 fine, suspension of license up to 30 days 2nd violation within 36 months of a previous violation \$250-1,000 fine, suspension or revocation of license 3rd violation within 36 months of a 2nd violation, or a 4th or any subsequent violation without regard to the time past since the 3rd violation \$500-1,000 fine, suspension or revocation of license	1st violation \$100-500 fine 2nd violation within 12 months of a previous violation \$250-750 fine, suspension of license up to 30 days 3rd violation within 24 months of a 2nd violation, or a 4th or any subsequent violation without regard to the time past since the 3rd violations \$500-1,000 fine, suspension of license up to 60 days	1st violation reprimand, \$100 – 250 fine 2nd violation in a 12 month period \$250-500 fine 3rd or subsequent violation in a 12 month period \$500-1,000 fine, suspension of license up to 30 days	1st violation reprimand, \$100 – 250 fine 2nd violation in a 12 month period \$250-500 fine 3rd or subsequent violation in a 12 month period \$500-1,000 fine, suspension of license up to 30 days	Phenylbutazone & Furosemide are N/A as ARCI drug class Florida Rule 61D-6.008 lists penalties if phenylbutazone is found in excess of 5 micrograms and addresses penalties if provisions are not followed pertaining to furosemide.

Illinois	ARCI recommendations [although not listed in penalty rule are used]. Rule 603.160-Penalties, if you administer or conspire to administer any foreign substance in violation of any of the rules your license shall be suspended or revoked and you may also be subjected to a civil penalty. The rule lists the criteria used in determining penalties. Rule 603.180-Carbon Dioxide Test – rule includes penalties.
Kentucky	Doesn't believe they follow ARCI recommendations. Penalties not in a rule. Following are the factors he said are considered to determine the penalty: Merits of each case, history of individual, nature of the drug, the circumstances, type of race, and amount of purse. Stated many Class 4/5 are not being called positives.
Maryland	Drugs not classified – penalties not in a rule. Penalties are at the discretion of stewards/judges – follow a pattern - if they deviate from that they are required to justify why.
New Jersey	ARCI recommendations used as guideline by stewards/judges when determining class/penalties. Drug positives subject to a hearing and they go high on some and low on some. Past practice used to determine penalty as well as mitigating circumstances. Rule 13:70-14A.9-Administering medication to respiratory bleeders; standard for the administration of phenylbutazone lists penalties. Rule 13:71-23.3A-Post-race blood gas testing program [Harness] lists penalties.
New York	ARCI recommendations used. Drugs not classified - penalties not in a rule. Stewards/judges typically use low side but are consistent. If previous violation they go up. If a waiver is signed within 10 days that you will not appeal the number of days is reduced usually by half [fine not reduced]. If several violations they could suspend - it depends on the number of violations within a time frame and the drug classification [after people they determine are trying to cheat not after mistakes].

December 22, 2004

CHRB PENALTIES CLASS I, II and III

2002

Class 1 Mephentermine	Los Alamitos	Trainer fined \$10,000/Owner Fined \$5,000 and suspended 90 days.
Methamphetamine	Cal Expo	Suspended one year
Class 2 Promazine	Golden Gate	Fined \$1,500
Class 3 Albuterol	Santa Anita	Fined \$4, 250
Clenbuterol	Santa Anita	Fined \$7,500
Clenbuterol	Santa Anita	Fined \$7,500
Clenbuterol	Santa Anita	Fined \$7,500
Clenbuterol	Santa Anita	Fined \$7,500
Procaine	Golden Gate	Fined \$2,500
Benzocaine	Cal Expo	Fined \$500
Albuterol	Los Alamitos	Suspended 15 days and fined \$1,500
Hydroxyzine and Cetirizine	Bay Meadows	Fined \$2,500
Clenbuterol	Los Alamitos	Suspended 30 days and fined \$1,500
Clenbuterol	Los Alamitos	Fined \$1,500
Norpseudoephedrine and Pseudoephedrine	Bay Meadows	Fined \$1,500
Scopolamine and Atropine	Sonoma Fair	Fined \$500

2003

Class 1 Methamphetamine	Los Alamitos	Fined \$1,000
Class 2 Meprobamate and Hydroxycarisoprodol	Santa Anita	Fined \$10,000
Promazine	Golden Gate	Fined \$1,500
Promazine	Los Alamitos	Fined \$1,500
Caffeine (2)	Los Alamitos	Suspended 30 days and fined \$1,000
Promazine	Del Mar	Fined \$5,000
Nordiazepam	Cal Expo	Suspended 15 days Stayed and fined \$1,500
Class 3 Nefopam	Cal Expo	Suspended 30 days
Clenbuterol	Santa Anita	Fined \$1,500
Clenbuterol	Los Alamitos	Fined \$1,500
Clenbuterol	Los Alamitos	Fined \$1,500

Bitolterol	Cal Expo	Fined \$1,500
Albuterol	Sonoma County Fair	Fined \$2,500
Clenbuterol	Los Alamitos	Fined \$1,500
Clenbuterol	Los Alamitos	Fined \$1,500
Clenbuterol	Ca State Fair	Suspended 30 days and fined \$2,000
Clenbuterol	L.A. County Fair	Fined \$1,500
Albuterol	Fresno Fair	Suspended 30 days and fined \$1,500
Propranolol	Cal Expo	Fined \$1,500
Clenbuterol	Los Alamitos	Suspended 45 days and fined \$2,500

2004

Class 1 NONE

Class 2 NONE

Class 3	Clenbuterol	Golden Gate	Fined \$2,000
	Albuterol	Golden Gate	Fined \$2,500
	Clenbuterol	Golden Gate	Fined \$2,000
	Albuterol	Los Alamitos	Fined \$1,500
	Clenbuterol	Hollywood Park	Fined \$2,500
	Clenbuterol	Hollywood Park	Fined \$2,000
	Pseudoephedrine and Norpseudoephedrine	Los Alamitos	Fined \$1,500

SELECTION OF ADMINISTRATIVE ADJUDICATION

CHRB - 193 (New 2/02)

TO THE LICENSEE:

On January 1, 2002 a new law went into effect which changes the procedures for adjudicating medication violations involving Class I, II and III drugs. Before this law went into effect, medication violations involving all classes of drugs were referred to the Board of Stewards for adjudication.

Under the new law (Business and Professions Code Section 19517.5), enforcement proceedings alleging the use of a Class I, II or III prohibited substance are referred directly to the Office of Administrative Hearings for adjudication and preparation of a proposed decision. The California Horse Racing Board then acts on the proposed decision.

The new law also provides that the parties can agree that adjudication of medication violations involving Class I, II and III drugs can be referred to the Board of Stewards instead of directly to the Office of Administrative Hearings. Both the licensee and the California Horse Racing Board must agree to the referral to the Board of Stewards. If one of the parties wants the case heard by the Board of Stewards, but the other party does not, then the case will be referred directly to the Office of Administrative Hearings.

By signing below, I acknowledge that I have read and understand the new law concerning adjudication of Class I, II and III medication violations. By signing below, I am also indicating my preference as to whether I want my case referred directly to the Office of Administrative Hearings or to the Board of Stewards. I understand that any request to refer this case directly to the Board of Stewards is subject to the approval of the California Horse Racing Board.

I want my case referred directly to the Office of Administrative Hearings:

YES OR NO

I want my case referred directly to the Board of Stewards:

YES OR NO

Print Name

Date

Signature

Case Number

Approval of the California Horse Racing Board to refer this case to the Board of Stewards:

Executive Director

Date

CALIFORNIA HORSE RACING BOARD



ITEM - 4

M e m o r a n d u m

Date : July 1, 2002

To : CHRB Veterinarians
CHRB Stewards

From : Roy Wood
Executive Director

Subject : SHOCK WAVE THERAPY

Shock Wave Therapy (SWT) is a relatively new treatment of orthopedic injuries in horses. This therapy has been used in human medicine to break up kidney stones and gall stones in humans and also in treating bone spurs and tennis elbow in human athletes. It has made its way into equine medicine and is currently used to treat certain orthopedic injuries at California racetracks. The researchers that have studied SWT and veterinarians who have used this form of therapy have concluded that this form of therapy may be beneficial in the treatment of certain orthopedic conditions. It also appears that the therapy may produce a period of analgesia (lack of pain sensation). The analgesia produced by SWT is a matter of concern.

Dr. Jensen has previously discussed this matter with CHRB Veterinarians and has met with CHRB Veterinarians and practicing veterinarians at both Hollywood Park and at Bay Meadows to get their input and experience with SWT.

The veterinarians involved in these discussions and the veterinarians attending these meetings agreed that analgesia is produced for a period of time after being treated with SWT. It is not known how long this analgesia lasts, but it is generally recognized by the veterinary community to last up to 5 days.

Therefore, CHRB Veterinarians should implement the following procedures under the authority of the rule 1560:

1010 Hurley Way, Suite 300, Sacramento, CA 95825

Phone: (916) 263-6000 □ FAX: (916) 263-6042

1. All SWT machines should be registered with the CHRB Official Veterinarian.
2. The use of SWT machines should be limited to veterinarians only.
3. Horses that have had a SWT treatment should not race for 10 days following a treatment.
4. All SWT treatments should be reported to the CHRB Official Veterinarian on a separate Confidential sheet.

These procedures should be put in place beginning July 24, 2002. Details concerning reporting and record keeping are being developed with CHRB computer staff and will be sent in a separate mailing for your review and comments.

Any violation of the above procedures should be reported to the stewards.

New relevant information concerning SWT will be reviewed and adjustments to these procedures may be made if necessary.

Cc: Chairman Alan Landsburg
Vice Chairman Roger Licht
Racing Offices
Thoroughbred Owners of California
California Thoroughbred Trainers
California Harness Horsemen's Association
Pacific Coast Quarter Horse Racing Association

CALIFORNIA HORSE RACING BOARD

FEBRUARY 16, 2005 MEDICATION MEETING

There is no board package material for item 5.

Information to be presented at the board meeting.

**STAFF ANALYSIS
LABORATORY CONTRACTS**

**CHRB MEDICATION COMMITTEE MEETING
FEBRUARY 16, 2005**

The CHRB currently utilizes the services of two laboratories for their equine drug-testing program. Truesdail Laboratory is the primary laboratory and receives and tests two thirds of the samples utilizing thin-layer chromatography (TLC) for screening samples. The Kenneth L. Maddy Equine Analytical Chemistry Laboratory is the complimentary laboratory and tests one third of the samples and uses instrumental screening for screening those samples. Both laboratories use some ELISA tests in screening and both use GC/MS and LC/MS for conformation. It has been determined that instrumental screening is the more sensitive and efficient method for screening samples.

In addition to the use of instrumental screening, the Maddy Laboratory at UC Davis has an active drug research program and maintains research horses, which are used for drug administration studies. This laboratory has university affiliation which allows collaborative studies with other university disciplines. The Maddy Laboratory is one of only two equine drug-testing laboratories in the United States that has ISO 17025-laboratory accreditation.

Staff recommends discussion on the increasing the number of samples to be tested at the Kenneth L. Maddy Equine Analytical Chemistry Laboratory at UC Davis.

CALIFORNIA HORSE RACING BOARD

FEBRUARY 16, 2005 MEDICATION MEETING

There is no board package material for item 7.

Information to be presented at the board meeting.

STAFF ANALYSIS
PROPOSED AMENDMENT OF
RULE 1887. TRAINER TO INSURE CONDITION OF HORSE

Medication Committee Meeting
February 16, 2005

BACKGROUND

Business and Professions Code Section 19580 states that the Board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication in order to preserve and enhance the integrity of horse racing in California. Rule 1887, Trainer to Insure Condition of Horse, states if the Board or its agents fail to notify a trainer of a potential positive test within 18 calendar days from the date the sample was taken the trainer shall not be deemed responsible unless it is shown by the preponderance of the evidence that the trainer administered the prohibited drug substance or caused the administration or had knowledge of the administration.

The proposed amendment will change the timeframe to notify a trainer of a potential positive test from 18 calendar days from the date the sample is taken to 18 calendar days from the date the laboratory receives the sample.

ANALYSIS

It can take up to seven days, or more if a holiday falls within the shipping process, for the laboratory to receive the test sample. The Board is notified of a potential positive test finding after the laboratory completes their testing process. When unanticipated delays occur in the shipping or the laboratory testing the Board has, on occasion, received notification from the laboratory of a potential positive finding with only one day to locate and notify a trainer. If it is a dark day at the track and the trainer is not at the track nor can be located at their address of record it can be impossible to notify a trainer.

The proposed amendment of Rule 1887 takes into account the time required to ship samples to the laboratory, which in turn will allow adequate time for the laboratory to analyze the samples and gives the Board or its agents more time to locate and notify a trainer of a potential positive finding.

RECOMMENDATION

Staff recommends the committee instruct staff to notice for 45 days.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 16. GENERAL CONDUCT
PROPOSED AMENDMENT OF
RULE 1887. TRAINER TO INSURE CONDITION OF HORSE

Medication Committee Meeting
February 16, 2005

1887. Trainer to Insure Condition of Horse.

(a) The trainer is the absolute insurer of and responsible for the condition of the horses entered in a race, regardless of the acts of third parties, except as otherwise provided in this article. If the chemical or other analysis of urine or blood test samples or other tests, prove positive showing the presence of any prohibited drug substance defined in Rule 1843.1 of this division, the trainer of the horse may be fined, his/her license suspended or revoked, or be ruled off. In addition, the owner of the horse, foreman in charge of the horse, groom, and any other person shown to have had the care or attendance of the horse, may be fined, his/her license suspended, revoked, or be ruled off.

(b) Notwithstanding the above, if the Board or its agents fail to notify a trainer of a potential positive test within 18 calendar days from the date the laboratory receives the sample, ~~was taken~~, the trainer shall not be deemed responsible under this rule unless it is shown by the preponderance of the evidence that the trainer administered the drug or other prohibited substance defined in Rule 1843.1, ~~of this division~~, caused the administration or had knowledge of the administration.

Authority: Sections 19440, 19580 and 19581,
Business and Professions Code.

Reference: Sections 19440, 19577, 19580 and 19581,
Business and Professions Code.

Staff Analysis
Appointment of
Medication Advisory Group

Medication Committee Meeting
February 16, 2005

BACKGROUND:

The California Horse Racing Board's (CHRB) Medication Committee is charged with the responsibility of developing and recommending policy concerning equine medication, safety, health and welfare of the horse, including veterinary practice by track veterinarians. The Medication Committee is also charged with presenting new or amendments to existing regulations determined to be necessary to improve track safety, veterinary practice and medication procedures.

A Medication Advisory Group was established to assist and advise the CHRB Medication Committee in the development of recommendations concerning medication issues. The Medication Advisory Group is comprised of interested individuals from the industry, representing regulatory and practicing veterinarians, chemists, and horsemen's organizations.

ANALYSIS:

It is proposed to reinstitute the Medication Advisory Group.

The following organizations recommended to be represented:

- CHRB Official Veterinarian
- Practicing Veterinarian (Northern California)
- Practicing Veterinarian (Southern California)
- Thoroughbred Owners of California
- California Thoroughbred Trainers
- California Harness Horsemen's Association
- Pacific Quarter Horse Racing Association
- Federation of California Racing Associations, Inc.
- California Authority of Racing Fairs
- Racing Chemist

RECOMMENDATION:

Staff recommends that the Medication Committee seek nominations to the CHRB's Medication Advisory Group.